

## REMARKS

### **I. Status of the Claims**

Claims 7-11 were allowed (Office Action mailed May 12, 2003).

Claims 1-6, 11, and 13-14 are amended.

Claims 15, 22, 27-29 are canceled reserving the right to prosecute in a continuing application.

Claims 12, 16-21, and 23-26 were previously withdrawn reserving the right to prosecute in a continuing application (restriction requirement).

Claims 1-11 and 13-14 are pending.

### **II. Please Issue Allowed Claims 7-11.**

Applicants thank the examiner for allowing claims 7-11 and request that they be passed to issue regardless of whether other pending claims are found to be allowed. Claim 11 is amended merely to be consistent with claims 7-10 in reciting a sequence of "amino acids".

### **III. Amended Claims 1-3, and 5-6 Overcome the 35 U.S.C. § 112 Rejections.**

On page 3 of the Action, the examiner rejected claims 1 and 5 under 35 U.S.C. § 112 2<sup>nd</sup> paragraph, for being indefinite because of the term "homologous". Amended claims 1 and 5 are offered.

On page 9 of the Action, the examiner rejected claims 1-3, and 5-6 under 35 U.S.C. § 112 1<sup>st</sup> paragraph because of the phrase "amino acids in the sequence". In amended claims, the phrase "amino acids in the sequence" is replaced with the phrase "amino acid sequence". In addition, during the interview, the examiner suggested making claim 5 independent by incorporating the limitations of claim 1. Please allow claims 1-3 and 5-6.

### **IV. Neither Hayashizaki nor Powell or Jacobs Anticipate Claim 1.**

On pages 10-11 of the Action, the examiner rejected claim 1 as being anticipated by Hayashizaki *et al.* under 35 U.S.C. § 102 (a) and by Powell or Jacobs *et al.*, under 35 U.S.C. § 102 (b). Claim 1 is amended to include "consisting essentially of", referring to a group of proteins.

### **V. Powell Does Not Anticipate Claim 2.**

On page 3 of the Action, the examiner rejected claim 2 as being anticipated by Powell. Amended claim 2 relates to an isolated AMP-18 protein in its processed form with 165 amino acids that lacks the signal peptide. In contrast, the amino acid sequence taught by Powell has 185 amino acids. Powell neither discloses the processed form of pig AMP-18

protein nor predicts the boundaries of the processed polypeptide. Therefore, Powell does not anticipate claim 2. Claim 2 is amended to "consisting essentially of". Please allow claim 2.

**VI. Other Issues.**

A set of formal drawings are enclosed to comply with the form PTO-948 requirements. FIG. 1A-1G represents a single view of FIG. 1, and FIG. 4A-4G represents a single view of FIG. 4. Amendments are made to the specification to reflect the corrections in the labeling of FIGS. 1 and 4.

**VII. Summary and Conclusion**

Applicants thank the examiner for allowing claims 7-11, withdrawal of some 112 and 102 rejections, and for suggestions made during the interview.

For the reasons stated above, applicant requests allowance of all pending claims.

Please contact the applicants' representative if you have any questions.

No other fees are believed due at this time, however, please charge any additional deficiencies or credit any overpayments to deposit account number 12-0913 with reference to our attorney docket number (21459/90913).

Respectfully submitted,



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